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Letter dated 20 November 2012 from the Permanent Representatives of Costa Rica, Jordan and Liechtenstein to the United Nations addressed to the President of the Security Council

We have the honour to write to you on the important matter of the relationship between the Security Council and the International Criminal Court. As has been highlighted most recently in the context of the Council debate of 17 October 2012 on peace and justice with a special focus on the role of the International Criminal Court, this evolving relationship deserves increased attention. The impact of the Rome Statute system on the work of the Council, and vice versa, can be seen in many instances. The Court is carrying out judicial activities in two situations referred to it by the Council, namely, in Darfur, in accordance with Security Council resolution 1593 (2005), and in Libya, in accordance with resolution 1970 (2011), with important ramifications for both institutions, in particular as regards the question of cooperation, as the relevant obligations in cases of referrals stem exclusively from the authority of the Council under Chapter VII of the Charter of the United Nations. In addition, several other situations dealt with by the Court are also on the agenda of the Council. Overall, the Council has increasingly focused its attention on accountability in carrying out its mandate under the Charter of the United Nations.

In the light of the above, we would like to invite the Security Council to consider taking concrete steps to increase the synergies between its work and that of the International Criminal Court, and in particular to promote institutional dialogue on matters relating to international criminal justice, within their respective mandates, while safeguarding judicial independence. We therefore propose that the Council consider establishing a subsidiary mechanism mandated to systematically address questions arising from its relationship with the Court, or that it expand the mandate of its informal working group on international tribunals to this effect. We have noted that numerous speakers during the open debate expressed themselves in favour of such a mechanism.

We hope that this proposal will be positively considered by members of the Security Council and stand ready to address any further questions in this regard.

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We should be grateful if you would have this letter distributed as a document of the Security Council.

(*Signed*) Eduardo **Ulibarri**
Permanent Representative of Costa Rica

(*Signed*) Prince Zeid Ra'ad Zeid **Al-Hussein**
Permanent Representative of the Hashemite Kingdom of Jordan

(*Signed*) Christian **Wenaweser**
Permanent Representative of the Principality of Liechtenstein